

DETAILED ACTION

Continued Examination under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after Notice of Allowance mailed on 04/20/2010. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/14/2010 has been entered. Claim 112 is amended. Claim 112 is currently pending.
2. Applicant's submission filed on 04/14/2010 was entered. No claim was amended.
3. A NOA was issued on 01/29/2010. No additional claim amendment was received thereafter. Additional IDS received on 04/14/2010 is considered. The reasons for allowance as per NOA issued on 01/29/2010 still hold after the consideration of the IDS.
4. As per Board of Patent Appeals and Interferences' Decision on Appeal 2008-002152 dated 06/08/2009, claim 112 rejection was reversed. Claims 1-111 were cancelled. Further examination has determined that claim 112 is to be allowed.
5. Applicant's further amendment received on 08/17/2009 was entered into record. Claim 112 was amended.
6. Amendment received on 11/30/2005 was entered. Claims 111-112 were new.

Priority

7. This application has no priority claim made. The filing date is 11/20/2001.

Examiner's Amendment

8. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
9. Authorization for this examiner's amendment was given in a telephone interview with Elliot Frank (reg. no. 56,641) on 07/20/2010.
10. The application has been amended against applicant submitted claim set dated 07/14/2010 as follows (only examiner amended claims are shown):

IN THE CLAIMS

112. (Currently Amended) A method for constructing a data packet having both a payload segment that carries data associated with a link layer (MAC) or network layer (IP) address and a header segment that has one or more fields, the method comprising:

generating an address value based on the network layer address or link layer address at [[the]] a transmitting terminal;

formatting the address value; and

populating the formatted address value into a field of the header that will be used as a selection criteria by a receiving terminal, wherein the selection criteria is established without the use of tables used to link a packet identification to a multicast network layer address.

Reasons for Allowance

11. Claim 112 is allowed as amended above.

The following is an examiner's statement of reasons for allowance:

The closest prior arts of record issued to Momirov (US 6216167 B1), Chauvel et al. (US 6226291 B1) and Bigham et al. (US 5544161 A) together fail to teach or suggest "a method for constructing a data packet having both a payload segment that carries data associated with a link layer (MAC) or network layer (IP) address and a header segment that has one or more fields, the method comprising: generating an address value based on the network layer address or link layer address at a transmitting terminal; formatting the address value; and populating the formatted address value into a field of the header that will be used as a selection criteria by a receiving terminal, wherein the selection criteria is established without the use of tables used to link a packet identification to a multicast network layer address" as argued by Applicant [See items A and C in section VII of Argument as per appellant's Appeal Brief Filed on 02/28/2007]. Applicant argues that Momirov has shown including additional IP, MAC and other protocol related information in a packet header that the receiving terminal may use the header as a selection criteria without having to access cross reference tables; the limitation of claim 112, i.e. "wherein the selection criteria is established without the use of tables used to link a packet identification to a multicast network layer address" distinguishes the claimed invention from Momirov; and claim 112 is not of the same scope as claims 1-3, 5 and 7-10 (see 3rd paragraph on page 11 through 1st paragraph on page 12 of Appeal Brief Filed). These arguments are considered persuasive as per Analysis in Patent Appeals and Interferences' Decision on Appeal 2008-002152 dated 06/08/2009 and as per examiner's further examination and search results.

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Upon further reviewing of IDS items submitted on 04/14/2010, there is no significant new finding against the reasons for allowance as cited above. Independent claim 112 is thus allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Peling A Shaw/
Primary Examiner, Art Unit 2444